

House File 2481 - Reprinted

HOUSE FILE 2481
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 636)

(As Amended and Passed by the House March 10, 2022)

A BILL FOR

1 An Act relating to judicial selection, including the nominees
2 to the court of appeals, and the appointments, resignations,
3 and residency requirements of district judges, district
4 associate judges, associate juvenile judges, and associate
5 probate judges.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 46.14, subsection 1, Code 2022, is
2 amended to read as follows:

3 1. Each judicial nominating commission shall carefully
4 consider the individuals available for judge, and within sixty
5 days after receiving notice of a vacancy shall certify to the
6 governor and the chief justice the proper number of nominees,
7 in alphabetical order. Such nominees shall be chosen by the
8 affirmative vote of a majority of the full statutory number
9 of commissioners upon the basis of their qualifications and
10 without regard to political affiliation. Nominees shall be
11 members of the bar of Iowa, shall be residents of the state
12 or district of the court or a county contiguous with the
13 district to which they are nominated, and shall be of such age
14 that they will be able to serve an initial and one regular
15 term of office to which they are nominated before reaching
16 the age of seventy-two years. ~~Nominees for district judge~~
17 ~~shall file a certified application form, to be provided by the~~
18 ~~supreme court, with the chairperson of the district judicial~~
19 ~~nominating commission.~~ Absence of a commissioner or vacancy
20 upon the commission shall not invalidate a nomination. The
21 chairperson of the commission shall promptly certify the names
22 of the nominees, in alphabetical order, to the governor and the
23 chief justice by sending by electronic mail the certification
24 to the governor and chief justice or the governor's and chief
25 justice's designees on the day of the nomination.

26 Sec. 2. Section 46.14A, Code 2022, is amended to read as
27 follows:

28 **46.14A Court of appeals — nominees.**

29 Vacancies in the court of appeals shall be filled by
30 appointment by the governor from a list of nominees submitted
31 by the state judicial nominating commission. ~~Three~~ Five
32 nominees shall be submitted for each vacancy. Nominees to the
33 court of appeals shall have the qualifications prescribed for
34 nominees to the supreme court.

35 Sec. 3. Section 602.2301, subsection 2, Code 2022, is

1 amended to read as follows:

2 2. Notwithstanding [sections 602.6304, 602.7103B](#), and
3 633.20B, the chief justice may order ~~any county magistrate~~
4 ~~appointing commission~~ the state commissioner of elections
5 to delay, for budgetary reasons, ~~publicizing the notice the~~
6 sending of a notification to the governor that a vacancy in
7 the office of a vacancy for a district associate judgeship
8 judge, associate juvenile judgeship judge, or associate probate
9 judgeship judge has occurred or will occur.

10 Sec. 4. Section 602.6201, subsection 2, Code 2022, is
11 amended to read as follows:

12 2. A district judge must be a resident of the judicial
13 election district or a resident of a county contiguous with
14 the judicial election district in which appointed ~~and retained~~
15 before assuming office and must be a resident of the judicial
16 election district during the entire term of office. Subject
17 to the provision for reassignment of judges under section
18 602.6108, a district judge shall serve in the district of the
19 judge's residence while in office, regardless of the number of
20 judgeships to which the district is entitled under the formula
21 prescribed by the supreme court in [subsection 3](#).

22 Sec. 5. Section 602.6302, subsection 2, Code 2022, is
23 amended to read as follows:

24 2. An order of substitution shall not take effect unless
25 a copy of the order is received by the chairperson of the
26 county magistrate appointing commission or commissions and
27 the governor no later than May 31 of the year in which the
28 substitution is to take effect. A copy of the order shall also
29 be sent to the state court administrator.

30 Sec. 6. Section 602.6303, subsection 2, Code 2022, is
31 amended to read as follows:

32 2. An order of substitution shall not take effect unless
33 a copy of the order is received by the chairperson of the
34 county magistrate appointing commission or commissions and
35 the governor no later than May 31 of the year in which the

1 substitution is to take effect. The order shall designate the
2 county of appointment for each magistrate. A copy of the order
3 shall also be sent to the state court administrator.

4 Sec. 7. Section 602.6304, Code 2022, is amended by striking
5 the section and inserting in lieu thereof the following:

6 **602.6304 Appointment and resignation of district associate**
7 **judges.**

8 1. The district associate judges authorized by sections
9 602.6301 and 602.6302 shall be appointed by the governor
10 from persons nominated by the district judicial nominating
11 commission in the same manner as district judges under chapter
12 46.

13 2. A district associate judge who seeks to resign from the
14 office of district associate judge shall notify in writing the
15 governor, the chief judge of the judicial district, and the
16 state commissioner of elections as to the district associate
17 judge's intention to resign and the effective date of the
18 resignation.

19 3. When a vacancy occurs or will occur within one hundred
20 twenty days in the office of the district associate judge, the
21 state commissioner of elections shall forthwith so notify the
22 governor. The governor shall call a meeting of the commission
23 within ten days after such notice. If the governor fails to do
24 so, the chief justice shall call such meeting.

25 Sec. 8. Section 602.6305, subsections 2 and 3, Code 2022,
26 are amended to read as follows:

27 2. A person does not qualify for appointment to the office
28 of district associate judge unless the person is at the time
29 of appointment ~~a resident of the judicial election district in~~
30 ~~which the vacancy exists,~~ licensed to practice law in Iowa,
31 and will be able, measured by the person's age at the time of
32 appointment, to complete the initial term of office prior to
33 reaching age seventy-two. ~~An applicant for district associate~~
34 ~~judge shall file a certified application form, to be provided~~
35 ~~by the supreme court, with the chairperson of the county~~

1 ~~magistrate appointing commission.~~ A nominee to the office of
2 district associate judge must reside in the judicial election
3 district to which the nominee is nominated or in a contiguous
4 county to the judicial election district to which the nominee
5 is nominated.

6 3. A district associate judge must be a resident of the
7 judicial election district in which the office is held before
8 assuming office and during the entire term of office. A
9 district associate judge shall serve within the judicial
10 district in which appointed, as directed by the chief judge,
11 and is subject to reassignment under [section 602.6108](#).

12 Sec. 9. Section 602.6502, Code 2022, is amended to read as
13 follows:

14 **602.6502 Prohibitions to appointment.**

15 A member of a county magistrate appointing commission
16 shall not be appointed to the office of magistrate, ~~and shall~~
17 ~~not be nominated for or appointed to the office of district~~
18 ~~associate judge, office of associate juvenile judge, or office~~
19 ~~of associate probate judge.~~ A member of the commission shall
20 not be eligible to vote for the appointment or nomination of
21 a family member, current law partner, or current business
22 partner. For purposes of [this section](#), "*family member*"
23 means a spouse, son, daughter, brother, sister, uncle, aunt,
24 first cousin, nephew, niece, father-in-law, mother-in-law,
25 son-in-law, daughter-in-law, brother-in-law, sister-in-law,
26 father, mother, stepfather, stepmother, stepson, stepdaughter,
27 stepbrother, stepsister, half brother, or half sister.

28 Sec. 10. Section 602.7103B, Code 2022, is amended by
29 striking the section and inserting in lieu thereof the
30 following:

31 **602.7103B Appointment and resignation of full-time associate**
32 **juvenile judges.**

33 1. Full-time associate juvenile judges shall be appointed
34 by the governor from persons nominated by the district judicial
35 nominating commission in the same manner as district judges

1 under chapter 46.

2 2. A full-time associate juvenile judge who seeks to
3 resign from the office of full-time associate juvenile judge
4 shall notify in writing the governor, the chief judge of the
5 judicial district, and the state commissioner of elections as
6 to the full-time associate judge's intention to resign and the
7 effective date of the resignation.

8 3. When a vacancy occurs or will occur within one hundred
9 twenty days in the office of a full-time associate juvenile
10 judge, the state commissioner of elections shall forthwith so
11 notify the governor. The governor shall call a meeting of the
12 commission within ten days after such notice. If the governor
13 fails to do so, the chief justice shall call such meeting.

14 Sec. 11. Section 602.7103C, subsections 2 and 3, Code 2022,
15 are amended to read as follows:

16 2. A person does not qualify for appointment to the office
17 of full-time associate juvenile judge unless the person is at
18 the time of appointment ~~a resident of the county in which the~~
19 ~~vacancy exists,~~ licensed to practice law in Iowa, and will be
20 able, measured by the person's age at the time of appointment,
21 to complete the initial term of office prior to reaching age
22 seventy-two. ~~An applicant for full-time associate juvenile~~
23 ~~judge shall file a certified application form, to be provided~~
24 ~~by the supreme court, with the chairperson of the county~~
25 ~~magistrate appointing commission~~ A nominee to the office of
26 full-time associate juvenile judge must reside in the judicial
27 election district to which the nominee is nominated or in a
28 contiguous county to the judicial election district to which
29 the nominee is nominated.

30 3. A full-time associate juvenile judge must be a resident
31 of ~~a county~~ the judicial election district in which the office
32 is held before assuming office and during the entire term of
33 office. A full-time associate juvenile judge shall serve
34 within the judicial district in which appointed, as directed by
35 the chief judge, and is subject to reassignment under section

1 602.6108.

2 Sec. 12. Section 633.20B, Code 2022, is amended by striking
3 the section and inserting in lieu thereof the following:

4 **633.20B Appointment and resignation of full-time associate**
5 **probate judges.**

6 1. Full-time associate probate judges shall be appointed by
7 the governor from persons nominated by the district judicial
8 nominating commission in the same manner as district judges
9 under chapter 46.

10 2. A full-time associate probate judge who seeks to resign
11 from the office of full-time associate probate judge shall
12 notify in writing the governor, the chief judge of the judicial
13 district, and the state commissioner of elections as to the
14 full-time associate probate judge's intention to resign and the
15 effective date of the resignation.

16 3. When a vacancy occurs or will occur within one hundred
17 twenty days in the office of a full-time associate probate
18 judge, the state commissioner of elections shall forthwith so
19 notify the governor. The governor shall call a meeting of the
20 commission within ten days after such notice. If the governor
21 fails to do so, the chief justice shall call such meeting.

22 Sec. 13. Section 633.20C, subsections 2 and 3, Code 2022,
23 are amended to read as follows:

24 2. A person does not qualify for appointment to the office
25 of full-time associate probate judge unless the person is at
26 the time of appointment ~~a resident of the county in which the~~
27 ~~vacancy exists,~~ licensed to practice law in Iowa, and will be
28 able, measured by the person's age at the time of appointment,
29 to complete the initial term of office prior to reaching age
30 seventy-two. ~~An applicant for full-time associate probate~~
31 ~~judge shall file a certified application form, to be provided~~
32 ~~by the supreme court, with the chairperson of the county~~
33 ~~magistrate appointing commission~~ A nominee to the office of
34 full-time associate probate judge must reside in the judicial
35 election district to which the nominee is nominated or in a

1 contiguous county to the judicial election district to which
2 the nominee is nominated.

3 3. A full-time associate probate judge must be a resident
4 of ~~a county~~ the judicial election district in which the office
5 is held before assuming office and during the entire term of
6 office. A full-time associate probate judge shall serve within
7 the judicial district in which appointed, as directed by the
8 chief judge, and is subject to reassignment under section
9 602.6108.